

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLES LADUE,

Plaintiff,

- vs -

CSX TRANSPORTATION, INC.,

Defendant.

**JOINT STATUS
REPORT AND
REQUEST FOR
MODIFICATION OF
THE SCHEDULING
ORDER**

Civil Action No.
5:22-cv-0304 (MAD-ML)

Pursuant to the Court's August 9, 2023 Text Order (Doc. 31), Plaintiff Charles LaDue ("Plaintiff") and Defendant, CSX Transportation, Inc. ("CSXT"), hereby submit this joint status report and request for modification of the scheduling order:

1. The parties have exchanged written discovery responses.
2. A mediation was held on December 22, 2022 before the Honorable Randolph F. Treece, however, it was not successful.
3. The Plaintiff's deposition was taken on July 25, 2023.
4. Counsel have been working diligently together to schedule the depositions of six (6) CSXT employees that Plaintiff's counsel would like to depose, however, due to multiple scheduling conflicts, including Plaintiff's attorney's vacation, those depositions have not yet taken place.
5. The parties are also attempting to settle the case as an alternative to continuing the litigation process.
6. Counsel for the Defendant is scheduled for a two-week trial in early December in the U.S. District Court for the Western District of New York. As a result, the parties are hoping to schedule the aforementioned depositions of the CSXT employees in late December or early January 2024.

7. The parties respectfully request that the Plaintiff's expert deadline be extended to January 31, 2024, Defendant's expert deadline be extended to March 8, 2024 and the discovery deadline be extended to April 12, 2024.
8. The parties will report to the Court immediately if the case settles.

Respectfully submitted October 30, 2023.

<p>DARBY LAW GROUP, L.L.C.</p> <p>By: <u>/s/ P. Matthew Darby</u> P. Matthew Darby, Esq. <i>(admitted pro hac vice)</i> <i>Attorneys for Plaintiff Charles LaDue</i> 201 International Circle, Suite 200 Hunt Valley, MD 21030 Tel: (833) 601-7245 E-mail: matt@darby-lawgroup.com</p>	<p>NIXON PEABODY LLP</p> <p>By : <u>/s/ Mark A. Molloy</u> Bar No. 511268 <i>Attorneys for Defendant CSX Transportation, Inc.</i> 40 Fountain Plaza, Suite 500 Buffalo, NY 14202 Telephone: (716) 853-8100 E-mail: mmolloy@nixonpeabody.com</p>
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